

United States District Court  
for the  
Southern District of New York  
Related Case Statement

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Full Caption of Later Filed Case:

In Re: Steven J. Ancona

3 West 16th Street (Appellant),

Plaintiff

vs.

Marianne T. O'Toole, as  
Chapter 7 Trustee for the Estate  
of Steven J. Ancona (Appellee),

Defendant

Case Number

1:18-cv-09731-UA

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Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

In Re: Steven J. Ancona

3 West 16th Street (Appellant),

Plaintiff

vs.

Marianne T. O'Toole, as  
Chapter 7 Trustee for the Estate  
of Steven J. Ancona (Appellee),

Defendant

Case Number

1:18-cv-09458-ALC

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## Status of Earlier Filed Case:

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Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

The earlier filed case is an appeal from the Bankruptcy Court's decision and order granting a Stipulation of Settlement by and among the Chapter 7 trustee, the debtor, and certain non-debtor parties over Appellant 3 West 16th Street, LLC's objection.

The notice of appeal in the earlier filed case was timely filed on October 4, 2018 -- before, but on the same date as, the notice of appeal in the newly filed case. A designation of items to be included in the record on appeal and statement of issues to be presented on appeal was timely filed in each case on October 18, 2018.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Whereas the earlier filed case is an appeal from the Bankruptcy Court's decision and order granting a Stipulation of Settlement by and among the Chapter 7 trustee, the debtor, and certain non-debtor parties, the newly filed case is an appeal from the Bankruptcy Court's concurrent decision and order granting the Chapter 7 trustee's motion to be substituted for Appellant 3 West 16th Street, LLC as plaintiff in a related adversary proceeding (pursuant to the same Stipulation of Settlement authorized and approved by and through the decision and order being appealed in the earlier filed case). The earlier filed case and the newly filed case involve the same parties, transactions, or events; there is substantial factual overlap between the two cases; if decided separately, the cases could result in conflicting orders; and, absent a determination of relatedness, there would be substantial duplication of effort and expense, delay, and undue burden on the Court and the parties. In fact, the facts and legal issues in each of the two cases are inextricably intertwined such that: (i) if the District Court affirms the decision and order at issue in the earlier filed case, it should affirm the decision and order at issue in the newly filed case; but (ii) if the District Court reverses the decision and order at issue in the earlier filed case, it should reverse the decision and order at issue in the newly filed case. The interests of justice and efficiency will be served only if the earlier filed case and the newly filed case are decided together.

Signature: /s/ Matthew D. Sobolewski

Date: October 23, 2018

Firm: McLaughlin & Stern, LLP